

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

RITESH TANDON, et al.,

Plaintiffs,

v.

GAVIN NEWSOM, et al.,

Defendants.

Case No. 5:20-cv-07108-LHK

**[PROPOSED] FINAL JUDGMENT
ENTERING PERMANENT
INJUNCTION, AWARDING
ATTORNEY'S FEES AND COSTS, AND
DISMISSING ACTION**

It is hereby **ORDERED** that Defendant Gavin Newsom, in his official capacity as Governor of the State of California, all State officers, agents, employees, and all other persons in active concert or participation with him, are hereby permanently enjoined state-wide from issuing or enforcing regulations issued in connection with the COVID-19 State of Emergency declared on March 4, 2020 that impose:

- (1) any capacity or numerical restrictions on religious worship services and gatherings at places of worship,¹ provided that if

¹ Including indoor and outdoor home religious gatherings, which in turn include bible studies, prayer meetings, and other worship gatherings.

(a) hospital admissions for individuals aged 1-17 suffering from COVID-19 rise at least 100% statewide, or at least 200% in a county with at least 10 hospitalizations in the prior week, in each of two consecutive weeks; or

(b) statewide daily case rates for COVID-19 rise above 25 cases per hundred thousand persons, and the statewide four-week total projected available adult intensive care unit bed capacity falls below 20%,

the State may impose capacity or numerical restrictions on religious worship services and gatherings at places of worship that are either identical to, or at least as favorable as, the restrictions imposed on other similar gatherings of similar risk, as identified by the Supreme Court in *Tandon v. Newsom*, 141 S. Ct. 1294 (2021), *South Bay United Pentecostal Church v. Newsom*, 141 S. Ct. 716 (2021), *Harvest Rock Church, Inc. v. Newsom*, 141 S. Ct. 1289 (2021), and *Roman Catholic Diocese of Brooklyn v. Cuomo*, 141 S. Ct. 63 (2020); and

(2) any new public health precautions on religious worship services and gatherings at places of worship not in the guidance that was in effect on June 14, 2021, unless those precautions are either identical to, or at least as favorable as, the precautions imposed on other similar gatherings of similar risk, as identified by the Supreme Court in *Tandon v. Newsom*, 141 S. Ct. 1294 (2021), *South Bay United Pentecostal Church v. Newsom*, 141 S. Ct. 716 (2021), *Harvest Rock Church, Inc. v. Newsom*, 141 S. Ct. 1289 (2021), and *Roman Catholic Diocese of Brooklyn v. Cuomo*, 141 S. Ct. 63 (2020).

This Order does not prohibit the State from issuing recommendations, best practices, precautions, or other measures, as long as such promulgations make clear to the public that they are voluntary and not enforceable.

It is further **ORDERED** that Plaintiffs should be and hereby are declared prevailing parties for purposes of 42 U.S.C. § 1988; the California Department of Public Health shall pay Plaintiffs the sum of \$500,000 for Plaintiffs' reasonable attorney's fees and costs necessarily incurred in this case. Pursuant to 28 U.S.C. § 1961, post-judgment interest shall begin to accrue 90 days from the date this Court signs this Order.

1 It is further **ORDERED** that the free exercise claims (Count Two) in this action are
2 otherwise dismissed with prejudice;

3 It is further **ORDERED** that the free speech claims, substantive due process claims, and
4 equal protection claims in this action (Counts One, Three, and Four) are dismissed without
5 prejudice; and

6 It is further **ORDERED** that this Court shall retain jurisdiction over this action for purposes
7 of implementing and enforcing the final judgment.

8 It is so **ORDERED**.

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11 Dated: _____
12 _____
13 The Honorable Lucy H. Koh
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CERTIFICATE OF SERVICE

Case Name: **Tandon, Ritesh, et al. v. Gavin
Newsom, et al.**

Case No. **5:20-cv-07108**

I hereby certify that on June 22, 2021, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

**[PROPOSED] FINAL JUDGMENT ENTERING PERMANENT INJUNCTION,
AWARDING ATTORNEY'S FEES AND COSTS, AND DISMISSING ACTION**

I certify that **all** participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I declare under penalty of perjury under the laws of the State of California and the United States of America the foregoing is true and correct and that this declaration was executed on June 22, 2021 at Los Angeles, California.

Beth L. Gratz
Declarant

Beth L. Gratz
Signature